

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(Northern Division)

MARYLAND PORT ADMINISTRATION ,

Petitioner

v.

ARCHER DANIELS MIDLAND  
COMPANY f/k/a ADM/COUNTRYMARK,  
INC.

and  
CSX TRANSPORTATION, INC.,  
Respondents.

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\* Civil Action No.: JFM 02-CV-1528

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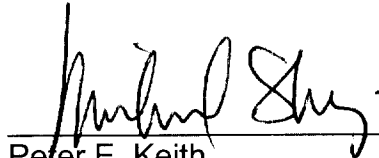
STIPULATION TO PROCEED WITH DISCOVERY

The Maryland Port Administration ("MPA") by its undersigned counsel, and Archer Daniels Midland Company ("ADM"), by its undersigned counsel, and CSX Transportation, Inc. ("CSX"), by its undersigned counsel, hereby stipulate and agree as follows:

1. At the scheduling conference in this action before the Honorable Frederick Motz, the Court suggested and the parties agreed that they begin discovery before the Court reaches its decisions as to the jurisdictional and immunity issues which have been raised or may be raised by MPA so that the case could proceed in an expeditious manner, since this dispute will ultimately continue either in federal or state court and discovery may be required. All parties agreed that MPA's willingness to proceed with discovery would not constitute a waiver of MPA's rights to contest federal jurisdiction, to seek remand on jurisdictional grounds, and to move for a dismissal of the Counterclaim

on Eleventh Amendment and sovereign immunity grounds. This Stipulation is to memorialize the agreement which was discussed at the settlement conference, and to confirm that discovery may proceed without prejudice to MPA's jurisdictional and immunity challenges.

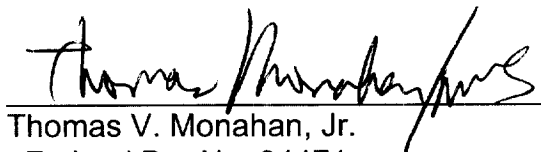
2. Accordingly, the parties hereby stipulate and agree that Petitioner MPA's participation in discovery in this case, consistent with the Scheduling Order entered by the Court on June 3, 2002, shall not constitute a waiver of the Petitioner's challenge to federal jurisdiction; Petitioner's Motion for a remand based on lack of federal jurisdiction, and Petitioner's assertion of Eleventh Amendment and sovereign immunity defenses.



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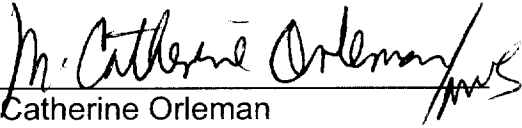
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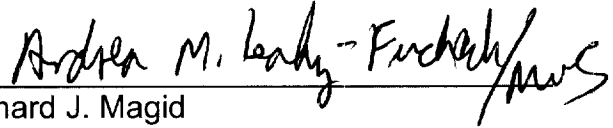
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Approved:

  
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The Honorable Frederick Motz, Judge  
United States District Court for the  
District of Maryland